

McGREGOR W. SCOTT  
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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RUSSELL W. WESTFALL, JR.,

Plaintiff,

v.

JO ANNE B. BARNHART,  
Commissioner of  
Social Security,

Defendant.

CASE NO. **2:05-CV-0180-DAD**

STIPULATION AND ORDER  
SETTLING ATTORNEY'S FEES  
PURSUANT TO THE EQUAL  
ACCESS TO JUSTICE ACT

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that counsel for Plaintiff be awarded attorney's fees under the Equal Access to Justice Act (EAJA) in the amount of FOUR THOUSAND TWO HUNDRED AND 00/100 DOLLARS (\$4,200.00), said amount representing compensation for legal services rendered on behalf of Plaintiff by her attorney in accordance with 28 U.S.C. § 2412(d).

This stipulation constitutes a compromise settlement of counsel for Plaintiff's request for all fees under the EAJA, and does not constitute an admission of liability on the part of Defendant under the EAJA. Payment in the amount of FOUR THOUSAND TWO HUNDRED AND 00/100

DOLLARS (\$4,200.00) in fees, shall constitute a complete release from and bar to any and all claims counsel for Plaintiff may have relating to EAJA fees in connection with this action, but such award will not prejudice any future request for attorney's fees under the Social Security Act, 42 U.S.C. § 406(b).

The parties further stipulate that counsel for Plaintiff will provide a facsimile of this stipulation bearing counsel's signature for retention in Defendant's case file, and hereby authorizes counsel for Defendant to file this document in PDF format under the latter's Electronic Case Filing password, pursuant to Local Rule 7-131.

DATED: February 2, 2006

/s/ Ann M. Cerney  
ANN M. CERNEY

Attorney for Plaintiff

DATED: February 2, 2006

McGREGOR W. SCOTT  
United States Attorney

By: /s/ Bobbie J. Montoya  
BOBBIE J. MONTOYA  
Assistant U. S. Attorney

Attorneys for Defendant

OF COUNSEL

LUCILLE GONZALES MEIS  
Chief Counsel, Region IX

KATHERINE R. LOO  
Assistant Regional Counsel

U. S. Social Security Administration

Re: RUSSELL W. WESTFALL, JR. v. JO ANNE B. BARNHART, Case No. 2:05-CV-00180-DAD, Stipulation and Order Settling Attorney's Fees Pursuant to the Equal Access to Justice Act

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**ORDER**

Upon stipulation of the parties, Counsel for Plaintiff in CASE NO. 2:05-CV-00180-DAD, RUSSELL W. WESTFALL, JR. v. Jo Anne B. Barnhart, is hereby awarded attorney fees in the amount of \$4,200.00, pursuant to the Equal Access to Justice Act.

**APPROVED AND SO ORDERED.**

**DATED: February 3, 2006.**

  
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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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